



2155

Practitioner's Docket No. 11088-39607

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David C. Chou, Frederick M. Jonas and James W. Staggs

Application No.: 09/915,809

Group No.: 2125

Filed: 07/26/2001

Examiner: JARRETT, Ryan A

For: COMPACT INTEGRATED SELF CONTAINED SURVEILLANCE UNIT

RECEIVED

Commissioner for Patents

OCT 23 2003

P.O. Box 1450

Alexandria, VA 22313-1450

Technology Center 2100

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application and a Response to the Office Action dated July 17, 2003.

STATUS

2. Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ Deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Dinah Hooke

Date:

10/16/2003

Dinah Hooke
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	20	— 20	= 0	x \$ 9.00	= \$	0.00	
INDEP.	1	— 3	= 0	x \$ 43.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$	0.00	
				TOTAL ADDIT. FEE	\$	0.00	

No additional fee for claims is required.

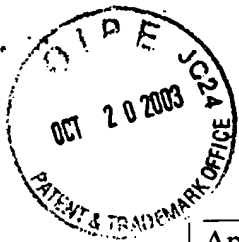
FEE DEFICIENCY

5. An additional extension and/or fee is required, charge Account No. 18-1754.

An additional fee for claims is required, charge Account No. 18-1754.

Date: 10/16/03

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10/31/03

UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	Filing Date	First Named Inventor	Atty. Docket No.
09/915809	26-Jul-2001	CHOU, David C.	11088-39607

Examiner
JARRETT, Ryan A.

Art Unit
2125

RESPONSE TO OFFICE ACTION OF 07/17/2003

Please amend the claims as follows:

In claim 19, line 1: change "18" to --1-- and "information" to --data--

Replacement claim pages are enclosed.

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REMARKS

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Claim 19 has been amended to correct its dependency and to change "information" to --data--. There is no antecedent basis for "information" in either claim 1 or 18.

The rejection of claims 1, 2, 4, 5, 10, 12, 14-16 and 18 "under 35 U.S.C. 102(b) as being clearly anticipated by Snapp et al. U.S. 1003/0069693" is traversed. As is clearly evident from this application publication it has a publication date of April 10, 2003, some 20 months after Applicants' filing date of July 26, 2001. Thus, the rejection is clearly improper and must be withdrawn. As set forth in MPEP 901.04: "U.S. patent application publications are prior art under 35 U.S.C. 102(a) and 102(b) as of the publication date." [emphasis added]

The rejections, as set forth in paragraphs 5-10, of claims 3, 6-8, 9, 10, 13 and 19 as unpatentable over Snapp, et al., considered with another reference or "in view of Official Notice" are also traversed. As reliance on Snapp, et al. is improper, any rejection under Section 103(a) based on this reference is also improper and must be withdrawn.

Were the Sec. 102(b) rejection of claims 1, 2, 4, 5, 10, 12, 14-16 and 18 based on Snapp et al. appropriate because it had a filing date prior to Applicants' filing date, it would be traversed on technical grounds. Snapp et al. disclose a geographic pointing device that includes a GPS receiver, a digital compass and informational data bases. Please see the Abstract and paragraph [0015]. Please also see paragraph [0074], a summary of the only described embodiment. UP through paragraph [0077] there is no reference to "systems for tracking and positioning an entity or target." This is only referenced in paragraph [0078], and then only in general language. According to Snapp